



FREMONT PLANNING BOARD

January 7, 2009

Meeting Minutes

Approved January 21, 2009

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Selectman Gene Cordes
Alternate Salvatore Angelone, Building Official Thom Roy and Land Use AA/Recording
Secretary Meredith Bolduc.

The minutes of the November 19, and December 3, 2008 meetings were not addressed as there were not enough members who were at those meetings. They will be addressed at the next meeting.

ZONING ORDINANCE AMENDMENT

PUBLIC HEARING

Mr. Barham opened the Public Hearing at 8:30 pm and read the notice of the Public Hearing which was as follows:

New Article IV Section 3-A

As it relates to Article IV Section 3 and Article XI Section E-1; where-ever a commercial use or a mixed use of residential and commercial are proposed on the same lot the minimum lot size shall be further determined in that each two thousand (2000) square feet (or any part thereof) of commercial use shall constitute a calculate-able unit for the purpose of determining the minimum lot size. The lot size minimum is as determined by Article IV Section 3 and/or Article XI Section E-1; whichever applies.

Examples:

The minimum lot size for consideration of commercial Conditional Use Permit in the Flexible Use District would be two (2) acres or if in the Aquifer Protection District the minimum lot size for a commercial conditional use permit would be three (3) acres.

A proposed 10,000 sq ft commercial

A 10,000 square foot commercial use outside of the Aquifer District would require at total of 4.3 acres. Calculation: $10,000/2000 = 5$ units and minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

A proposed 4000 square foot mixed use w/3 residential

A mixed use 4,000 square foot commercial with 3 residential 2 bedroom dwelling units. The lot is outside the Aquifer. Calculation: $4,000/2000 = 2$ plus 3 dwelling units = 5 calculate-able units and the minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

(See also Article XI Section E-1)

Mr. Barham stated that this Public Hearing was posted on December 4, 2008 at the Fremont Town Hall, Library, Safety Complex and Post Office and noticed in the December 12, 2008 edition of the Rockingham News.

After careful consideration by the Board, Mr. Angelone made the motion to approve and recommend the proposed amendment to the Fremont Zoning Ordinance by adding new Article IV Section 3-A as posted.

The motion was seconded by Mr. Karcz with unanimous favorable vote.

This decision including the entire proposed zoning amendment will be posted at the Fremont Post Office and Town Hall for a period of thirty (30) days.

At 8:40 pm Mr. Karcz made the motion to close this Public Hearing.

The motion was seconded by Mr. Angelone with unanimous favorable vote.

MASTER PLAN

PUBLIC HEARING

MASTER PLAN CHAPTERS AMENDMENTS

Mr. Barham stated that the following Public Hearing concerning amendments to the Natural Hazards Mitigation Plan Chapter of the Fremont Master Plan and the Existing and Future Land Use Chapter of the Fremont Master Plan was scheduled for December 17, 2008, but due to lack of a quorum of Planning Board Members present at that meeting, Co-chairman John (Jack) Karcz announced that the Public Hearing would be rescheduled to 7:30 pm on January 7, 2008.

Mr. Barham opened the Public Hearing at 8:40 pm and read the notice of the Public Hearing which was as follows:

In accordance with NH RSA 675:6 and 675:7, you are hereby notified that the Fremont Planning Board will hold Public Hearings on Wednesday December 17, 2008 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall concerning amendments to the Natural Hazards Mitigation Plan Chapter of the Fremont Master Plan and the Existing and Future Land Use Chapter of the Fremont Master Plan.

The full text of the proposed regulation amendments will posted at the Fremont Town Hall, Library, Safety complex, and Post office and on file in the offices of the Fremont Selectmen, Planning/Zoning and Town Clerk and can be viewed during regular business hours.

Mr. Barham stated that this Public Hearing was posted on November 26, 2008 at the Fremont Town Hall, Library, Safety Complex and Post Office and noticed in the November 28, 2008 edition of the Rockingham News.

After careful consideration by the Board, Mr. Cordes made the motion to approve the amendments to the Natural Hazards Mitigation Plan Chapter of the Fremont Master Plan and the Existing and Future Land Use Chapter of the Fremont Master Plan as posted and as attached herewith.

The motion was seconded by Mr. Karcz with unanimous favorable vote.

Complete copies of the amended *Natural Hazards Mitigation Plan Chapter of the Fremont Master Plan* and the *Existing and Future Land Use Chapter of the Fremont Master Plan* Chapters of the Fremont Master Plan will be posted at the Fremont Post Office and Town Hall for a period of thirty (30) days.

Mr. Karcz made the motion to close this Public Hearing at 8:50 pm.

The motion was seconded by Mr. Angelone with unanimous favorable vote.

TUCK WOODS PHASE I

Map 4 Lot 94

The Board received a copy of a December 2, 2008 correspondence from Turner Porter of Ingalls Realty to Town Administrator Heidi Carlson requesting the release of the 2-year road maintenance bond of Tuck Woods Phase I. Phase I, as accepted at the 2005 Town Meeting, includes “a portion of Tuck Drive (first 1,940 feet); Ingalls Lane (1,058 feet) and Dexter Court (800 feet)”. In a January 7, 2008 correspondence to the Planning Board, Road Agent Guerwood Holmes reported that he has inspected the road and found that the road and culverts were ok, but he could not see the condition of the shoulders because of the snow so he recommended that the bond be released except for \$2,500 in case the shoulders of the road need gravel. He said that this could be released in the spring after inspection.

Following some discussion, Mr. Karcz made the motion that, based on the Fremont Road Agent’s recommendation, the Board recommend the release all but \$2,500 of the 2-year road maintenance bond for the Tuck Woods Phase I road maintenance bond. The balance is to be released upon favorable written recommendation of the Road Agent. Motion seconded by Mr. Angelone with unanimous favorable vote.

GRISTMILL, LLC

Map 2 Lots 173.12 & 156.2

The Board received a copy of a December 17, 2008 correspondence from Mike Weymouth to the Selectmen requesting the release of the road maintenance bond for Gristmill Landing Phase I.

The Board received a copy of a December 18, 2008 e-mail from Town Engineer Bill Rollins to Town Administrator Heidi Carlson relating that Mike Weymouth has requested that he calculate a bond estimate for the work to remove the “ears” of the existing Phase I cul-de-sac (leaving the remaining 24’ of pavement to connect the Phase I and Phase II roadways), loam and seed the areas where the cul-de-sac pavement was removed and place one-inch of wearing course pavement on the remaining 24-foot wide section of road and the one residential drive that accesses onto the existing cul-de-sac. Mr. Rollins has estimated that the value of this work would be approximately \$4,700 (which includes 5% inflation for the next 2 years) and agreed with Mr. Weymouth’s suggestion to add that amount to the Phase II road bond to account for the value of the work to remove the cul-de-sac.

In a January 7, 2008 correspondence to the Planning Board, Road Agent Guerwood Holmes reported concern for “the transfer of land on both sides of the cul-de-sac”. Mr. Holmes also expressed concern “about the bond release and to make sure there is enough to overlay the cul-de-sac length of about 90 feet and a driveway extension as well as cutting and removing the pavement, and grading it.” Mr. Holmes said that the road itself is very good.

In his correspondence Mr. Holmes also related concern about some trees, shrubs and boulders that need to be removed and some sprinkler heads that were put in (since the road was accepted) two feet off the pavement across from #66 Gristmill, which is part of Phase I. Mr. Holmes related that although the road has been accepted in front of #66, he recommended that these issues be addressed before the bond is released.

Following some discussion the Board agreed that the cul-de-sac of Phase I must stay in place until further conditions of Phase II and Phase III are met.

Mr. Cordes made the motion that, based on the Road Agent’s recommendation, the Town retain \$4,700 of the Gristmill Phase I road bond and release the balance to Mr. Weymouth/Gristmill Realty upon the written notice from the Road Agent that all of the concerns raised in his January 7, 2008 letter have been satisfactorily addressed.
Motion seconded by Mr. Angelone with unanimous favorable vote.

According to a December 22, 2008 e-mail message from Heidi Carlson to Town Engineer Bill Rollins Mr. Weymouth has queried whether the Town would consider allowing him to bond the connection in order to sell a lot or two, with a time condition on doing that to bond the other to end sprigs (Copp Drive and final end of Gristmill). There was a brief discussion relative to the September 25, 2001 ZBA special exceptions granted to Gristmill for the road distances to wetlands in several places of this project. The ZBA approvals were conditioned on the road network making connection with Copp Drive; *“It is understood that if a road network is not in place and approved by the Planning Board the Special exception is no longer valid.”*

After some discussion by the Board, Mr. Cordes made the motion to send a correspondence to Mr. Weymouth stating that Gristmill LLC is looking for relief from the Planning Board that the Planning Board cannot grant. What the Planning Board wants is for the entire connecting road in Phase II and Phase III to be built to a base coat with pavement and the rest of the road, including the cul-de-sac spurs, to be bonded. In lieu of bonding the cul-de-sacs he could seek to amend his subdivision approval removing the cul-de-sacs and basically creating a Phase IV.
Motion seconded by Mr. Karcz with unanimous favorable vote.

The following summary of the Phases of Gristmill was noted:

Phase I: Finished and Town Accepted (March 2006) \$20,600 road maintenance bond is in place.

Phase II: Approved with conditions March 31, 2004; Mylar and plans signed by PB on December 20, 2005;
Recorded December 22 as D-34409. (see 12-20-2006 PB minutes) \$15,398.47 road bond is in place.

Phase III: in progress. No bond in place.

ZBA special exceptions granted (September 25, 2001) require the road network to be in place.

RISLOVE'S WAY

Map 6 Lot 050

Mr. Barham stated that the Board has received a copy of a December 18, 2008 correspondence to Town Administrator Heidi Carlson from Robert Prud'homme of SEA Consultants, Town Engineer for the Spruce Hill Project (Rislove's Way) in support of the Town accepting Rislove's Way as a Town road at the 2009 Town Meeting. In a January 7, 2008 correspondence to the Planning Board, Road Agent Guerwood Holmes reported that in late October or early November he inspected the Rislove's Way road with Mike Rislove and Town Engineer Cecil Lucerne found some small items that needed fixing. During a subsequent inspection he found these items had been fixed and he recommends that the road be accepted as a Town Road.

Following some discussion by the Board, Mr. Karcz made the motion that based on the written favorable report from Road Agent Guerwood Holmes, the Planning Board recommend to the Selectmen that Rislove's Way be placed on the 2009 Town Meeting Warrant for acceptance as a Town road. Motion seconded by Mr. Angelone with unanimous favorable vote.

JOHN GALLOWAY

Map 5 Lot 035

Mr. Barham stated that the Board has received the revised Galloway Excavation Operation plan as a required condition of the October 15, 2008 Excavation Permit Renewal. The following is the list of conditions:

1. That the title of the plan submitted be relabeled "Galloway Excavation Operation".
2. That a legend showing map symbols be added to the plan
3. A reference point be designated on the ledge outcropping across from the scale office.
4. That a barrier be constructed to protect the sheer face of the outcropping to prevent anyone plunging off the rock face.
5. No excavation closer than 50' from the setback from the Shirkin Road property line.
6. Hours of operation are from 7:00 am to 5:00 pm Monday – Friday and 9 am to 2 pm on Saturday with no excavation operation on Sunday.

That conditions 1 through 5 be completed within thirty (30) days of this approval

Mr. Cordes made the motion that this revised plan addresses the outstanding issues.

Motion seconded by Mr. Angelone with unanimous favorable vote.

ALBERT WITHAM/COUNTRYSIDE ESTATES

Map 3 Lot 001

The Board received and reviewed the mylar of the as-built plan of Map 3 Lots 1-1-45 and 1-1-11 that was approved, with conditions, at the September 24, 2008 meeting. These lots are within Countryside Estates. It was determined that all of the conditions have been met except #5.

1. *Reference plan number of the original Countryside Estates Plan*
2. *Add lot numbers of the specific lots 3-1-1-45 and 3-1-1-11*
3. *Change the purpose of the as-built plan to be an as-built of 3-1-1-45 and 3-1-1-11 located at Christopher Lane and Country Lane*
4. *Buildings as shown on lot number 3-1-1-45 are non-conforming and must be relocated in*

compliance with setback requirements

5. *Affidavit filed with the original plan referencing this as-built plan*
6. *Modify this as-built plan to show only 3-1-1-45 and 3-1-1-11 located at Christopher Lane and Country Lane*
7. *Show contiguous and closed lot lines across the face of 3-1-1-45*
8. *Conditionally approved as long as these conditions are met within 30 days (October 24, 2008) of this approval.*

Mr. Cordes made the motion that the Board send a correspondence to Mr. Witham directing him to submit the affidavit as per condition #5 and that compliance with the conditions of the approval of the as-built plan are now overdue.

Motion seconded by Mr. Angelone with unanimous favorable vote.

The mylar was not signed pending submittal of the affidavit and remittance of recording fees.

BUDGET

The Board received and reviewed the P&Z General Leger expenditure report for the date ending December 23, 2008.

Water Resource section of the Natural Resource Inventory Chapter TARGETED BLOCK GRANT (TBG)

The 2009 RPC Targeted Block Grant (TBG) grant for the update of the Water Resource portion of the Natural Resource Inventory section of the Master Plan has been signed and forwarded to RPC.

GOVERNOR'S FOREST

Mr. Barham reported that the Board has received copies of the following relative to Governor's Forest:

1. December 11, 2008 Renewal of Irrevocable Letter of Credit #0400005119-803 for excavation reclamation from the Ocean Bank to the Planning Board in the amount of \$90,000 for "*completion of reclamation of **excavated** land under the terms of the excavation operation permit for Governor's Forest approved June 22, 2005*". This ILOC replaces the existing \$90,000 ILOC and expires on October 11, 2009.
2. September 21, 2008 Renewal of Irrevocable Letter of Credit #0400005119-802 from the Ocean Bank to the Planning Board in the amount of \$3,100 for "*completion of all **roadway** and associated infrastructure improvements in accordance with the Governor's Forest project as signed by the Town Planning Board.*" This ILOC replaces the existing \$33,400 and expires on September 20, 2009.

SEACOAST FARMS

Map 5 Lot 035

The Board received copies of December 23 and 24, 2008 offsite odor complaints relative to the Seacoast Farms Composting site (Robert Kelly) on Shirkin Road as logged by Building Official/Code Enforcement Officer Thom Roy. There was a discussion relative to the complaints and also a large dumpster on the site that is not approved on the site plan.

Mr. Karcz made the motion that the Planning Board send a certified correspondence to Mr. Kelly that the Planning Board would consider removal of his permit if he continues to operate outside of his site plan and operating characteristics. The Board agreed that he is burdensome to public officials and a nuisance to his neighbors.

Motion seconded by Mr. Angelone with unanimous favorable vote.

CTAP

Mr. Karcz reported that the Conservation Commission discussed the possibility of whether the CTAP money could be used for something like a wetland mitigation plan or ordinance. After some discussion the Board agreed to ask RPC Circuit Rider David West to look into whether CTAP funding could be used to create a Wetlands Ordinance to include enforcement authority and enforcement procedures.

The Board discussed Mr. Roy becoming an Alternate Member of the Planning Board. Mr. Cordes pointed out that Mr. Roy already attends the meetings and brings with him a wealth of knowledge as a Town Official and a past member of the Planning and Zoning Boards. This would allow the Board to operate in the event of an otherwise lack of a quorum.

Mr. Karcz made the motion to recommend Mr. Roy be appointed as an Alternate to the Planning Board. Motion seconded by Mr. Angelone with unanimous favorable vote. Mr. Roy accepted.

CORRESPONDENCES

1. A December 30, 2008 correspondence from the Selectmen to Lisa Hepworth, president of A Better Way of Life Foundation, relative to her request to sell food items on Town property.

Mr. Karcz made the motion to adjourn at 9:10 pm.

Motion seconded by Mr. Angelone with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Land Use AA/Recording Secretary